

### REMARKS

The foregoing amendment narrows the scope of the claims in order to specify the minimum amount of fipronil in the subject composition and to provide ranges for the rodenticide and feeding stimulant.

All of the claims in this application have been finally rejected as obvious over an article by Leirs, et al "Palatability and toxicity of fipronil as a systemic insecticide in a bromadiolone rodenticide bait for rat and flea control", in view of an article by Petterino, et al "Toxicology of various anticoagulant rodenticides in animals" and Jeannin US Patent No. 6,162,820.

It is submitted that, in view of the foregoing amendment, the claims remaining in this application would not have been obvious over the cited references.

Claims 65-75 are directed to rodenticidal bait compositions which are effective against insects hosted by the target rodents. Claims 103, 105, 107 and 109-113 are directed to methods of killing fleas and the host rodent, which involves causing the bait composition to be ingested by the rodent. The Leirs article, which is the primary reference, discloses only a single rodenticide, namely bromadiolone. Applicants' claimed compositions, however, are directed only to the rodenticides brodifacoum, difethialone and flocoumafen; they do not include bromadiolone. It is acknowledged that the Petterino article, one of the secondary references, discloses the use of brodifacoum, difethialone and flocoumafen as rodenticides. However, Applicants' compositions include also fipronil in concentrations as low as 0.0001% (1 ppm), and this is significantly lower than the minimum amount of fipronil disclosed in the Leirs article or in Jeannin US Patent No. 6,162,820. In these circumstances, it is submitted that these claims,

directed to rodenticidal bait compositions effective against fleas and other insects hosted by the rodents, would not have been obvious over the cited references.

Claims 77-89 are directed to rodenticidal bait compositions effective against acarids hosted by the subject rodents. Claims 92, 94-96 and 98-102 are corresponding claims directed to methods for killing ticks involving causing a rodent to ingest a bait composition comprising one of three specific rodenticides and fipronil. As noted previously, the Leirs article, the primary reference, is concerned only with the single rodenticide bromadiolone, while Applicants' claimed compositions require that the rodenticide be either brodifacoum, difethialone or flocoumafen. Furthermore, although the Leirs article discloses the use of fipronil as a method for flea, it does not disclose the use of fipronil to control acarids, such as ticks. Acarids are, of course, not insects. Petterino, one of the secondary references, discloses a number of anticoagulant rodenticides, which include brodifacoum, difethialone and flocoumafen. And, Jeannin US Patent No. 6,162,820, the other secondary reference, discloses that fipronil is an effective insecticide and acaricide. However, there is no teaching in any of the three cited references that compositions comprising fipronil and any of Applicants' three rodenticides would be effective against ticks hosted by rodents.

Claims 90 and 91 are directed to specific rodenticidal bait compositions comprising 0.004% (40 ppm) fipronil, specified amounts of brodifacoum (Claim 90) or difethialone (Claim 91) and a specified range of at least one feeding stimulant. It has been found that these particular compositions are effective against rodents that are host to both fleas and ticks. Although Jeannin US Patent No. 6,162,820 discloses that fipronil is effective against both insects and acarids, there

Applicant : Gary Raymond Bowman et al.  
Serial No. : 10/587,112  
Filed : August 15, 2006  
Page : 11 of 11

Attorney's Docket No.: 08291-0747US1 / 11344P5 US

is no teaching in any of the other two cited references that a combination of any of the disclosed anticoagulants with fipronil would be effective against both types of pests.

### CONCLUSION

In view of the foregoing amendments and these remarks, it is submitted that all claims remaining in this application are in condition for allowance. Favorable action is therefore requested.

Respectfully submitted,

Date: 30 August 2010

/Frederick H. Rabin/  
Frederick H. Rabin  
Reg. No. 24,488

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (877) 769-7945